

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**Division of Housing Policy Development**

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AB 438 Compliance Checklist
Per Government Code Section 65583.1(c)

HE Page #

<p>The provisions set forth in Government Code Section 65583.1(c) (AB 438) are applicable <u>only</u> if a City/County has met at least a portion of the regional share for very low-income (VL) or low-income (L) households in the current or previous planning period. In the current period: In the previous period: 65583.1(c)(2)</p>	<p>Yes ____ No ____ Yes ____ No ____</p>	
<p>Identify the specific source of committed assistance funds. (refer to the definition on page 3.) _____ Indicate the amount and date when funds will be dedicated (legally enforceable agreement). \$ _____ Date: _____ 65583.1(c)(1)(A)</p>		
<p>Do the units qualify for a 1 to 1 reduction of the regional share of up to 25% of the VL & L income need by having affordability covenants greater than 20 years? 65583.1(c)(1)</p>	<p>Yes ____ No ____</p>	
<p>Unit costs/rents are to be affordable to: Very low-income households Low-income households 65583.1(c)(1)</p>	<p>Yes ____ No ____ Yes ____ No ____</p>	
<p>Indicate the total number of units to be assisted with committed assistance funds (by funding source). _____ Will the funds be sufficient to develop the identified units at affordable costs or rents? 65583.1(c)(1)(B)</p>	<p>VL income units ____ L income units ____ Yes ____ No ____</p>	
<p>Note: If you do not meet <u>all</u> of the general requirements listed above, your jurisdiction is not eligible to utilize the adequate sites provisions set forth in Government Code Section 65583.1(c).</p>		
<p>(A) Substantial Rehabilitation Include reference to specific program description in HE. _____ 65583.1(c)(1)</p>		
<p>Units must result in a net increase of the affordable housing stock. 65583.1(c)(2)(A)</p>	<p>Net # of VL income units ____ Net # of L income units ____</p>	
<p>Are units at imminent risk of loss to affordable housing stock? 65583.1(c)(2)(A)(i)(I)</p>	<p>Yes ____ No ____</p>	

HE Page #

Will relocation assistance be provided to tenants? Temporary: Permanent: 65583.1(c)(2)(A)(i)(II)	Yes ____ No ____ Yes ____ No ____	
Will tenants will have the right to reoccupy units? 65583.1(c)(2)(A)(i)(III)	Yes ____ No ____	
Are the units subject to a 3 to 1 substitution rate due to affordability covenants of <u>less than 20 years</u> (but greater than 10)? 65583.1(c)(2)(A)(ii)	Yes ____ No ____	
Has a court or code enforcement agency found that the units are unfit for human habitation and vacant or subject to being vacated for 120 days because of following health and safety conditions (must satisfy a minimum of 4 of the 7 conditions listed below): 65583.1(c)(2)(A)(i)(IV)	Yes ____ No ____	
(1) Termination extended interruption or serious defect of gas, water or electric utility systems, not caused by the tenant's failure to pay monthly bill.	Yes ____ No ____	
(2) Serious defects or lack of adequate space and water heating.	Yes ____ No ____	
(3) Serious rodent, vermin or insect infestation.	Yes ____ No ____	
(4) Severe deterioration rendering significant portions of the structure unsafe or unsanitary.	Yes ____ No ____	
(5) Inadequate number of garbage receptacles or services.	Yes ____ No ____	
(6) Unsanitary conditions (faulty plumbing or sewage disposal) affecting significant portion of structure.	Yes ____ No ____	
(7) Inoperable hallway lighting.	Yes ____ No ____	
Affordability and occupancy restrictions will be maintained for \geq 20 years. 65583.1(c)(2)(A)(ii)	Yes ____ No ____	
(B) Multifamily rental units are to be converted from non-affordable to affordable. Include reference to specific program description in HE. 65583.1(c)(1)	Program No.: _____	
Will the city/county purchase the unit(s) with the use of committed assistance, OR will the city/county purchase affordability covenants? 65583.1(c)(2)(B)	Yes ____ No ____ Yes ____ No ____	
Project consists of multifamily rental complex of 16+ units converting from non-affordable to affordable. 65583.1(c)(2)(B)	Yes ____ No ____	
Is the acquisition an eminent domain action? 65583.1(c)(2)(B)	Yes ____ No ____	
Will the units result in a net increase to the affordable housing stock? 65583.1(c)(2)(B)	Net # of VL income units added ____ Net # of L income units added ____	

HE Page #

Are the units currently occupied by VL income or L income households? 65583.1(c)(2)(B)(iii)	Yes ____ No ____	
Will units will be decent, safe, and sanitary upon occupancy. 65583.1(c)(2)(B)(iv)	Yes ____ No ____	
Acquisition price is not > 120% of the median price of housing units within the city/county. 65583.1(c)(2)(B)(v)	Yes ____ No ____	
Affordability and occupancy restrictions will be maintained for not < 30 years. 65583.1(c)(2)(B)(vi)	Yes ____ No ____	
(C) Affordable Units to be Preserved Include reference to specific program description in HE. _____ 65583.1(c)(1)		
Will the city/county purchase the unit(s) with the use of committed assistance? Or, will the city/county purchase affordability covenants? 65583.1(c)(2)(C)	Yes ____ No ____ Yes ____ No ____	
Affordability and occupancy restrictions will be maintained for not < 40 years. 65583.1(c)(2)(C)(i)	Yes ____ No ____	
Describe/list the specific program that assist in the preservation of units. Federal programs: _____ _____ State programs: _____ _____ Local programs: _____ _____ 65583.1(c)(2)(C)(ii)		
City/County, via the public hearing process, must find that the unit(s) is/are eligible and are reasonably expected to convert to market rate during the next 5 years due to termination of subsidies, prepayment, or expiration on use. 65583.1(c)(2)(C)(iii)	Yes ____ No ____	
Are the units decent, safe, and sanitary? 65583.1(c)(2)(C)(iv)	Yes ____ No ____	
At the time the unit was identified for preservation it was affordable to very low and low income households. 65583.1(c)(2)(C)(v)	Yes ____ No ____	

DEFINITION: Committed Assistance (alternative sites): When a local government has entered into a legally enforceable agreement during the first two years of the housing element planning period obligating funds for affordable units available for occupancy within two years of the agreement.